

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4731**

By Delegate Young

[Introduced January 22, 2026; referred to the  
Committee on Government Organization]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §8A-14-1, §8A-14-2, §8A-14-3, §8A-14-4, §8A-14-5, and §8A-14-6, relating to establishing the By-Right Housing Development Act to streamline the approval process for development when that proposed development meets all the rules for such development in a given community.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 14. BY-RIGHT HOUSING DEVELOPMENT ACT.**

**§8A-14-1. Purpose.**

The purpose of this Act is to promote the development of housing by streamlining the approval process for by-right development, including single- family homes, multifamily housing units, and accessory dwelling units (ADUs). By facilitating the construction of additional housing units, this Act aims to address statewide housing shortages and promote affordability.

**§8A-14-2. Definitions.**

For the purposes of this Act:

(1) "By-Right Development" refers to the approval of proposed housing projects as a matter of right if they comply with established land use regulations, without the need for discretionary review or approval.

(2) "Single-family homes" means a dwelling either detached or semidetached, arranged, intended, or designed to be occupied by a single family.

(3) "Multifamily Housing Unit" refers to a residential building containing two or more housing units, such as apartment buildings, condominiums, or townhouses.

(4) "Accessory Dwelling Unit (ADU)" means a secondary housing unit that is subordinate to the primary dwelling unit on the same lot and may include a separate kitchen, bathroom, and entrance.

**§8A-14-3. By-right housing development.**

All proposed housing developments, including ADUs and multifamily housing units, that

2 meet the criteria outlined in the zoning code and land use regulations shall be approved by-right,  
3 without the need for discretionary review or approval by planning commissions, zoning boards, or  
4 other regulatory bodies.

**§8A-14-4. By-right housing development.**

1 Regulatory authorities shall monitor compliance with approved by-right housing  
2 developments to ensure adherence to applicable regulations and standards. Non-compliance with  
3 by-right approvals may result in enforcement actions, such as fines, penalties, or project  
4 modifications to bring the development into compliance.

**§8A-14-5. Restrictive covenants or condominium associations or homeowners' association regulations.**

1 Nothing in this act shall be construed to invalidate or limit the legality, enforceability, or  
2 effect of restrictive covenants or Condominium Association or Homeowners' Association (HOA)  
3 regulations. Courts shall recognize and enforce such covenants and Condominium Association or  
4 HOA regulations in accordance with applicable laws.

**§8A-14-6. Appeal process for denied permit applications.**

1 The court shall review the decision of the permitting authority de nova. The inquiry in such  
2 a case shall extend to the questions whether the permitting authority has proceeded without, or in  
3 excess of, jurisdiction; whether there was a fair process; and whether there was any abuse of  
4 discretion. Abuse of discretion is established if the court determines that the permitting authority's  
5 findings are not supported by clear and convincing evidence in the light of the whole record. If the  
6 court overturns the denial, it may remand to the permitting authority or direct the permitting  
7 authority to grant the permit. The court retains authority to exercise equitable authority where  
8 appropriate and shall award the successful applicant attorney fees and expenses. In no  
9 circumstances will attorney fees or expenses be awarded to the government or a third party  
10 challenging a permit.

NOTE: The purpose of this bill is to create a By-Right Development Act, which would establish a by-right housing development act to streamline the approval process for development when that proposed development meets all the rules for such development in a given community.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.